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PATENT

Docket No.: 19603/2760 (CRF D-2404)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|               |                                  |   |            |
|---------------|----------------------------------|---|------------|
| Applicant(s): | Wu et al.                        | ) | Examiner:  |
|               |                                  | ) | C. Collins |
| Serial No.:   | 09/350,393                       | ) |            |
|               |                                  | ) | Art Unit:  |
| Chf. No.:     | 7999                             | ) | 1638       |
|               |                                  | ) |            |
| Filed:        | July 9, 1999                     | ) |            |
|               |                                  | ) |            |
| For:          | METHOD OF MAKING WATER STRESS OR | ) |            |
|               | SALT STRESS TOLERANT TRANSGENIC  | ) |            |
|               | CEREAL PLANTS                    | ) |            |

DECLARATION OF RAY J. WU

U.S. Patent and Trademark Office  
P.O. Box 3327  
Arlington, VA 22202  
Box:

I, RAY J. WU, hereby declare:

1. I am an inventor of the above-identified application.
2. I deposited with the American Type Culture Center ("ATCC"), at 10801 University Boulevard, Manassas, VA 20110-2209, a plasmid designated pJS112, under ATCC Accession No. PTA-309, pursuant to and in satisfaction of, the requirements of Budapest Treaty on the International Recognition of The Deposit of Microorganisms for The Purposes of Patent Procedure. As evidenced by Exhibit A attached hereto, this strain was received by the ATCC on July 2, 1999 and has been accepted.
3. I deposited with the American Type Culture Center ("ATCC"), at 10801 University Boulevard, Manassas, VA 20110-2209, a plasmid designated pJP21, under ATCC Accession No. PTA-3928 and a plasmid designated pJPM001, under ATCC Accession No. PTA-3929, pursuant to and in satisfaction of, the requirements of Budapest Treaty on the International Recognition of The Deposit of Microorganisms for The Purposes of Patent Procedure. As evidenced by Exhibit B attached hereto, these strains were received by the ATCC on January 3, 2002 and have been accepted.
4. The strains will be maintained for a period of at least 30 years from the date of deposit, or five years after the most recent request for a sample, whichever is longer.

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All restrictions on public access to this deposit will irrevocably be removed upon the grant of a patent on the above-identified application and the deposit will be replaced if viable samples cannot be dispensed by the ATCC.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Nov. 21, 2002

Ray J. Wu  
Ray J. Wu

# ATCC



10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

Cornell University  
Attn: Ray Wu  
Section of BMCB, 316 Biotech Bldg.  
Ithaca, NY 14853

**Deposited on Behalf of:** Cornell University

**Identification Reference by Depositor:**

**Patent Deposit Designation**

Plasmid pJS112

PTA-309

The deposit was accompanied by:      a scientific description      a proposed taxonomic description indicated above.

The deposit was received July 2, 1999 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:**   X   We will not inform you of requests for the strain.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested July 7, 1999. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

**Date:** July 8, 1999

**cc:** Mike Goldman (Ref. Docket 19603/2381)

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Cornell University  
Attn: Ray Wu  
Department of Molecular Biology & Genetics  
316 Biotech Bldg.  
Ithaca, NY 14853

Deposited on Behalf of: Cornell Research Foundation, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Plasmid DNA: pJP21 DNA in plasmid vector pBluescript SK PTA-3928  
Plasmid DNA: pJPM001 DNA in plasmid vector pBluescript SK PTA-3929

The deposits were accompanied by:    a scientific description, a proposed taxonomic description indicated above. The deposits were received January 3, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 29, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, Patent Depository

Date: February 6, 2002

cc: Georgia Evans  
Ref: Docket or Case No.: CRF 0-2404